

**POLICIES AND PROCEDURES MANUAL
OF THE
CITY COUNCIL
OF THE
CITY OF WILLIAMSBURG**

**City Council 2006-2008
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~~INTRODUCTION~~

The *Policies and Procedures of the City Council* is intended to describe the rules and guidelines by which the Williamsburg City Council operates and to set forth standing Council policy. The manual includes excerpts from the Charter and Code of the City of Williamsburg and the Code of the Commonwealth of Virginia, plus excerpts from the Handbook For Virginia Mayors & Council Members. Unless otherwise noted, the text of the manual is assumed to be Council policies and procedures in addition to those established in law. The manual serves as a quick reference for resolving policy and procedural questions during meetings and work sessions. Sources are indicated in the following way:

- Charter = City Charter
- Code = City Code
- RR = *Robert's Rules of Order*
- VML = Virginia Municipal League's Handbook for Mayors and Council Members
- VA Code = Code of Virginia

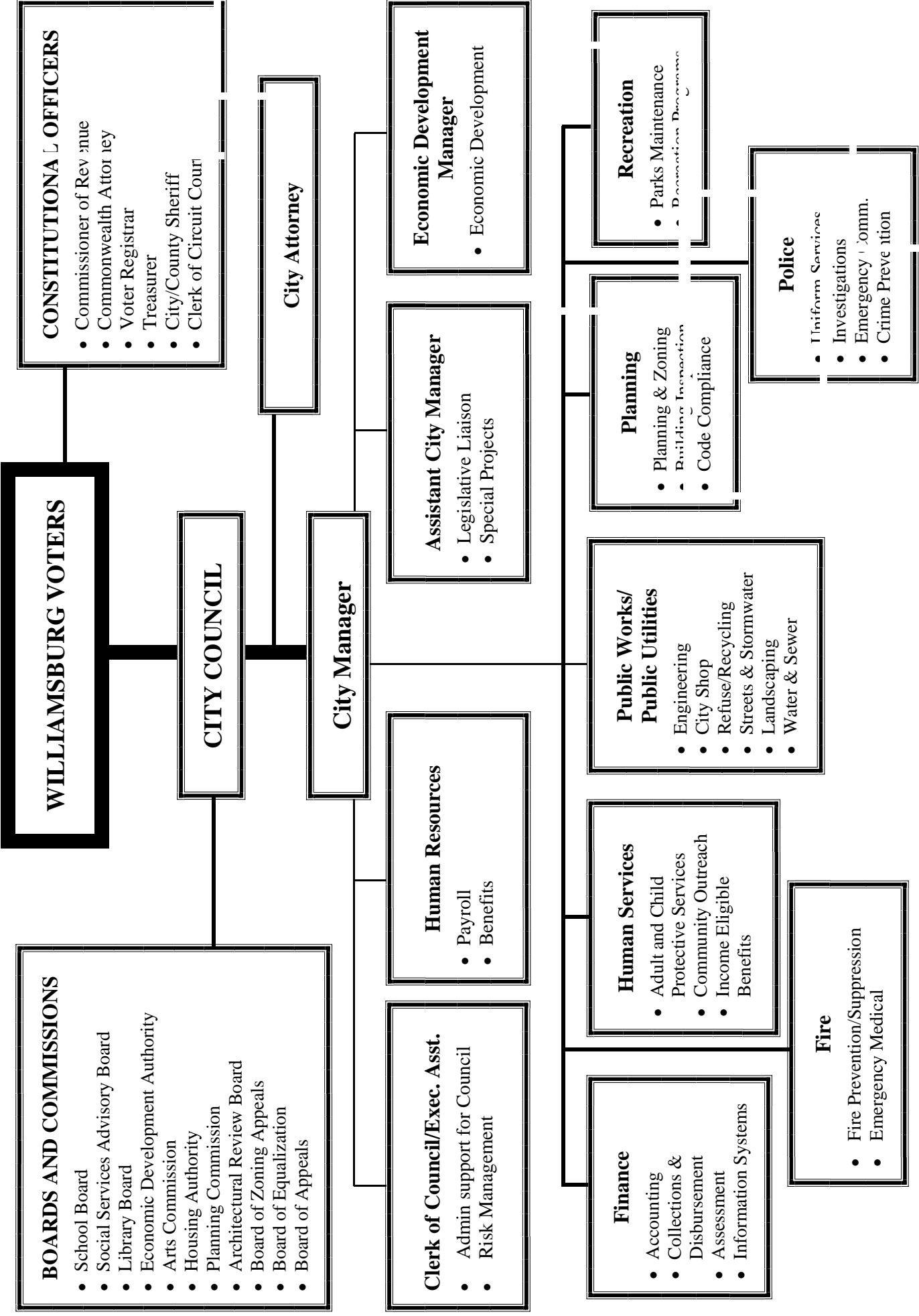
Policies and Procedures is to be adopted biennially by the City Council at its organizational meeting in July. Thereafter, the rules herein may be amended or waived by a majority vote of the elected members of Council, except those rules which are required by law.

City Council

Oath of Office

"I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully discharge and perform all duties incumbent upon me as a City Council member of the City of Williamsburg according to the best of my ability. So help me God."

CITY OF WILLIAMSBURG - ORGANIZATION



PART ONE

CITY COUNCIL STRUCTURE AND FUNCTIONS

I. POWERS OF CITY COUNCIL

Local Government powers are conferred on the elected City Council by the Commonwealth of Virginia and the People of Williamsburg by way of the democratic process. Powers are defined by the Charter of the City of Williamsburg, the Code of Virginia, and the Virginia Constitution. As interpreted by Dillon's Rule, localities are "tenants at will" of the state legislature, and depend on the Virginia General Assembly for their operating authority.

CITY CHARTER

Section 22.3. "The council shall be the policy determining body of the city and shall be vested with all the rights and powers conferred on councils of cities of the first class..."

In addition to the rights and powers conferred on "cities of the first class" by the Code of Virginia, the Council has several powers

enumerated in the Charter.

Powers include the ability to:

- Pass ordinances and resolutions that appropriate money, levy taxes, and require licenses. Charter Secs. 16, 25, 44.1, 53, 59.1.
- Adopt and annual budget. Charter Sec 58.1.
- Sue and be sued, plead and be impleaded. Charter Sec. 3.
- Pass emergency measures to preserve public peace, property, health and safety. Charter Sec. 4.1.
- Choose the Mayor and Vice Mayor from among Council members. Charter. Secs. 11,12.
- Fill vacant Council seats. Charter Sec. 8.
- Appoint School Board Trustees. Charter Sec. 9.
- Appoint/remove the City Manager, City Attorney, and Clerk of the Council. Charter Secs. 15, 17.
- Review administrative decisions. Charter Sec. 19.

- Adopt Council meeting rules, set times, appoint Council officers and committees, compel member attendance. Charter Secs. 14, 15.
- Appoint/remove members and chairs of boards and commissions. Charter Secs. 15, 62, plus Code Sec. 2.
- Inquire into the official conduct of any City office or officer under its control. Charter Sec. 22.3
- Create, abolish, reassign, transfer, or combine city functions, activities, or departments. Charter Secs. 22.3, 33, 49.
- Order an independent audit of accounts, books, records and other financial transactions of the City. Charter Sec. 22.3.
- Fix the schedule of compensation for City officers and employees. Charter Sec. 22.3
- Prescribe the amount and condition of surety bonds required of City officers and employees. Charter Sec. 22.3, 34.2, 34.5.
- Appoint a member of Council to serve as a commissioner of any redevelopment and housing authority. Charter Sec. 22.3.
- Prescribe jail terms and fines, not to exceed 12 months or \$1,000. Charter Sec. 25.
- Dedicate new public street. Charter Sec. 28.
- Set collection, deposit and disbursement rules for City funds. Charter Secs. 33, 36, 40.

- Prescribe some of the duties of the Treasurer and Commissioner of the Revenue. Charter Secs. 6, 38, 42.
- Require the sale of delinquent real estate tax property. Charter Sec. 48.
- Issue negotiable bonds and notes. Charter Sec. 60.1
- Pass zoning ordinances. Charter Sec. 62.

II. MAYOR & VICE MAYOR DUTIES

The Mayor

According to Section 11 of the Charter, the mayor is chosen from among Council members every two years as the presiding officer to run Council meetings and perform other duties consistent with the office. The Mayor has no veto power, but serves as the official head for:

- Participation in public ceremonies.
- Recognition by the courts for serving civil process.
- Recognition by the Governor for military purposes.
- Command of the police during public danger or emergency, subject to Council review.

The Mayor is also recognized as the official spokesperson for City Council on matters of public policy.

After consultation with the Council and City Manager, the Mayor appoints Council members and City employees to serve on various committees and groups.

The Vice Mayor

The Vice Mayor is chosen by Council peers every two years to perform official duties in the absence or disability of the Mayor. A new mayor is chosen if the Mayor resigns, dies, or is removed. Charter Sec. 12.

III. FILLING COUNCIL VACANCIES

Section 8 of the Charter stipulates the steps in filling a Council vacancy.

The Council, within 60 days of the occurrence of any vacancy on Council, should appoint a successor to serve the remainder of the four year term.

IV. COUNCIL-MANAGER GOVERNMENT

Originating in 1908 with Staunton, Virginia's provision by ordinance for the appointment of a general manager, the Council-Manager plan has become the most widely accepted system of local government in the United States. The City of Williamsburg has operated under the Council-Manager plan since 1932.

The plan is modeled after the American corporation, as opposed to the Mayor-Council plan which is modeled after the elected branches of government found in the U.S. Constitution.

In the Council-Manager plan, the governing body is composed of public spirited citizens serving on a part time basis to decide major policy issues, much in the same manner as the Board of Directors of a private corporation. The Mayor's role is to preside over Council meetings much like a Chairman of the Board. Council members serve the interests of the citizens who elected them to office -- the stockholders of the corporation.

The City Manager, under this system, is comparable to the corporation's Chief Executive Officer. He serves at the pleasure of the Board of Directors. The City Manager is a professionally-trained public administrator charged with implementing the policies and directives of City Council. The City Manager has broad administrative authority with strict rules prohibiting political interference in administrative matters. Likewise, the City Manager refrains from participating in partisan political activities which would impair professional administration.

V. THE CITY MANAGER'S ROLE IN ADMINISTRATIVE AFFAIRS

City Council delegates broad administrative power to the City Manager subject to its continuing review. Qualifications, powers and duties of the City Manager are provided for in Chapter 4 of the Charter. Delegated duties include the ability to:

- Supervise administrative affairs.
- Appoint and remove officers and employees in administrative service.
- Act as chief conservator of the peace.

- See to the enforcement of City ordinances and state laws.
- Make policy recommendations to Council.
- Keep Council advised on financial condition and future needs.
- Prepare and submit an Annual Budget.
- Prepare and submit requested reports.

CITY CHARTER

Section 18. "The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge..."

- Perform as Charter and Council requires.
- While the Clerk of the Council and City Attorney serve at the pleasure of the Council, all other City staff are employees of the City Manager. Thus, neither the Council nor any of its members should direct or request the appointment or removal of officers and employees in the administrative service of the City.

VI. COUNCIL/STAFF RELATIONSHIPS AND COMMUNICATIONS

Except for the purposes of inquiry and timely communication, the Council and its members should deal with that portion of administrative service for which the Manager is responsible through the Manager, and neither the Council nor any individual member should give orders or direction to any subordinate of the Manager, either publicly or privately. Any violation by a member of the Council should be brought to the immediate attention of the Council as a whole.

CITY CHARTER

Section 22.3.1. “*Official inquiries and investigations.* [The council shall] have full power to inquire into the official conduct of any office or officer under its control...”

While it is inappropriate for any Council member to instruct a City employee, it is *entirely appropriate to inquire since information is the basis for understanding and action*. Information that would be difficult or time consuming to produce, however, or that relates to a current or future agenda item should be formally requested of the City

Manager, preferably during a City Council meeting, rather than requested of an individual staff member. Work assignment and policy directions should come from the elected body as a whole and not from individual members. To avoid confusion and conflicting priorities, certain guidelines for Council/staff relationships must be followed. Council members initiatives generally fall into one of four categories:

Categories of Staff Initiatives From City Council

- 1) Requests for information readily available.
- 2) Follow-up for a constituent relative to a municipal problem or question.
- 3) Requests for information not readily available and requiring considerable staff time and research effort.
- 4) Initiation of a new priority or program.

Normally, Items 1 and 2 can be handled directly between the City Council member and the City staff. Items 3 and 4 should be channeled through the City Manager. In the past, understanding and common sense have guided Council/staff relationships and difficulties have seldom developed.

If a Council member is less than satisfied with the channels of communication, he or she should approach the City Manager who will work to improve the flow of information to and from key staff members.

VII. IMPLEMENTING THE WILL OF THE MAJORITY

Perhaps the most challenging aspect of City Council/staff relationships arises when an issue lacks Council consensus. Once a vote is taken and the issue decided, however, City Council speaks to the staff with a single voice. It is sometimes tempting for Council members holding the minority view to pursue their viewpoint, first through staff and later with Council. Nevertheless, the City staff must respond to the majority view, regardless of whether or not individual Council agree, and regardless of whether or not the staff may agree. While staff may like to be responsive to each individual Council member, an impossible situation develops when staff is requested to accommodate a Council member apart from the Council-to-Manager-to-staff line of authority.

VIII. ELECTRONIC COMMUNICATIONS

The widespread use of the electronic mail system (E-Mail) raises concerns over the appropriate communications among Council members and between Council staff. All E-Mail communications among Council members should be considered open to Freedom of Information Act inquiries. All E-Mail communications to and from staff members should be in accordance with established guidelines for staff inquiries.

At the start of a City Council member's term and at the request of the City Council Member, the Information System's Division of the Finance Department will provide a personal computer (PC) for the member to use at home for the purpose of conducting business. In addition to the PC, the city will also provide for the member a dial-up Internet account and an email address at the city. This will allow the Council member to communicate with city employees at the city, as well as with citizens.

At the end of the City Council members' year term, the members may elect to keep the PC provided to them. Based on experience, a four-year-old PC has reached its useful life and will therefore be deemed fully depreciated. If the member elects to not keep the PC, the member will contact the Information Systems Division and schedule a time for the PC to be picked up and brought back to the city for inventory purposes.

IX. CONFLICT OF INTEREST RULES

To ensure citizens that the judgment of public officers and employees is not compromised or affected by inappropriate conflicts, the General Assembly adopted the Virginia State and Local Government Conflict of Interest Act. Violation is a criminal offense. To keep standards of conduct uniform throughout the Commonwealth, no local government may regulate conflict of interest more strictly than the Virginia Code. The law requires all Council members to:

- Disclose financial interests each year.
- Refrain from contracting for business with the local government.

- Abstain from voting on items of personal interest that apply solely to the Council member or that prevent impartial voting.
- Not engage in unethical conduct, such as accepting anything of value or disclosing confidential information.

The City Attorney and the local Commonwealth's Attorney are the proper persons to turn to for competent legal advice concerning conflict of interest questions. As a member of a local governing body, Council members are entitled by statute to obtain a formal opinion from the local Commonwealth's Attorney. A Council member cannot be prosecuted for violating the Act if he acts based on a written opinion of the Commonwealth's Attorney (assuming full disclosure of all the relevant facts). VML.

X. FINANCIAL DISCLOSURE

Provisions of Virginia's Conflict of Interest Act concerning financial disclosure apply to council members of all cities and towns with populations greater than 3,500.

By December 10 of each year, the Clerk of the Council will supply a standard disclosure form that must be filed by January 15. Members of the Planning Commission, the Board of Zoning Appeals, the City Assessor, and City Manager must file Disclosure of Real Estate Holdings and the Financial Statement. Members of The Industrial Development Authority must file a Financial Statement.

with the Council, designates either a Council member or a City employee (with City Manager's concurrence) to the committee or group. Appointments are normally made in July soon after the new Council takes office. However, the Mayor may make reassignments and new assignments as needed.

See Appendix Two of this document for a current listing of Council representatives on committees.

XI. COUNCIL REPRESENTATIVES ON VARIOUS COMMITTEES

The City Council is represented on a number of committees and groups. These include ad hoc City committees, VML policy committees, intergovernmental bodies, and various organizations in the community. *Such representation is distinct from formal appointments to Boards and Commissions as provided in Part Four of this manual.*

Representation originates in two main ways. Outside groups often invite the Council to participate in their activities. Alternatively, the Council, deeming its participation to be important, decides to send a representative to the committee or group.

In either case, the Mayor, after consulting

PART TWO

CITY COUNCIL MEETINGS

I. MONTHLY COUNCIL MEETINGS

Regular City Council meetings commence at 2 p.m. on the second Thursday of each month in Council Chambers located in the Stryker Building. Work Sessions are held the Monday before the regular meeting at 2 p.m. Time and place is established by Section 2-26 of the City Code. Special meetings of the City Council may be called at the request of the Mayor, City Manager, or any two members of the Council. Charter Sec.14. Activities of prime importance during regular City Council meetings include:

- Public Hearings as required by law or Council policy. Public hearings may cover subjects such as proposed budgets, proposed Comprehensive Plan amendments, rezoning, special use permits and street closing requests.
- Mayor and Council Communications and Petitions delivered by citizens directly to their elected officials.

- Reports and Recommendations from the City Manager and City Attorney.
- Reports and Recommendations from the Planning Commission and other advisory boards.
- Award of Bids whereby Council takes formal action to authorize the purchase of materials and the letting of contracts.
- Ordinances and Resolutions which are legal instruments whereby Council establishes public policy either in the form of local laws (ordinances) or formal statements of fact and intent (resolutions).

Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body. State Code 15.2-1416

II. OPEN MEETING LAW

The Virginia Freedom Information Act (FOIA), generally requires that all meetings of the Council as well as most other public bodies, such as planning commissions, boards of zoning appeals, school boards, redevelopment and housing authorities, be open to the public. It is important to note that committees appointed by Council or any other public body subject to the FOIA must also be open to the public. Therefore, all committees appointed by Council, whether composed of selected members of Council or of non-council persons or a mixture, and *regardless of number* are subject to the FOIA's public meeting requirement. Section 2.2-3702. of the Act states that Public officials shall read and familiarize themselves with the provisions of the Virginia Freedom of Information Act.

The FOIA provides that in order to constitute a "meeting" a quorum must be present. Therefore, FOIA applies to regular meetings as well as gatherings of three or more Council members where City business is discussed. Likewise, FOIA also applies to regu-

lar meetings as well as gatherings of members of any committee or subcommittee appointed *by or from* Council where the business of such committee or subcommittee is discussed and where a quorum of such committee or subcommittee is present. Except in the case of a committee or subcommittee consisting of at least four members (where a quorum would be three members), a meeting or gathering of *two or more* committee or subcommittee members at which the business of such committee or subcommittee is discussed constitutes a meeting covered by FOIA.

FOIA requires that Council and committees and subcommittees appointed by Council give advance written notice of every meeting to every citizen, including news media, who has made a written request to receive such notice. Council may require that the requests for notice be renewed annually. In addition, copies of agendas and materials distributed to Council must be simultaneously made available for public inspection. Unless exempted by the FOIA, all materials must be made available to the public. The City Manager typically handles the notice requirement to media for Council by providing a meeting information packet to the local newspapers.

Information packets are delivered on the Thursday before a regular monthly council meeting to Council members and are made available to the press.

Minutes must be kept of all meetings of Council, including work sessions and informal meetings at which no official action is taken. Vote is by roll call and the ayes and noes of any question are recorded in the minutes of the meeting. Secret ballots are prohibited by Section 2-29 of the City Code and by the Code of Virginia.

III. CLOSED SESSION

According to the Charter, meetings of the Council shall be open to the public except when the public welfare requires Closed Sessions. Charter Sec. 14. A city council or committee may go into Closed Session and exclude the public for certain stated reasons. More than 20 items are exempted from the Freedom of Information Act and may be discussed in a closed session. VML. Closed Session issues typically involve:

- Personnel VA Code § 2.2-3711.1
- Property VA Code § 2.2-3711.3
- Legal briefings VA Code § 2.2-3711.7

The procedure for convening a Closed Session is as follows:

(1) While in public session, a majority of Council members must approve a motion to go into Closed Session. The motion must include the reason and a citation of the specific code section containing the FOIA exemption allowing the Closed Session. Exclusions are located in Section 2.2-3705 of the Virginia Code.

(2) While in the Closed Session, Council members may discuss only the subject mentioned in the motion.

(3) Certify by recorded vote, after Council completes the Closed Session and returns to public session, that all the discussion in closed session was appropriate under the law. (See Virginia Code text below.)

CODE OF VIRGINIA

Section 2.2-3712 “Now, therefore, be it resolved that the City Council of Williamsburg hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the City Council of Williamsburg.”

IV. SETTING THE MEETING AGENDA

All meeting agenda items which require formal Council action are placed on the agenda for consideration. The agenda of the regular monthly meeting is finalized on the Thursday prior to the Thursday Council meeting. Consequently, all items should be submitted in time for distribution to Council on the Thursday of the week before the regular monthly Council meetings. If an item involves a legal matter, it should be submitted in sufficient time to allow a review by the City Attorney.

V. MAYOR AS PRESIDING OFFICER

Items originating from Council members should be shared with the City Manager or the Mayor by the established deadline. Department directors normally submit agenda items to the City Manager during the staff meeting on Friday two weeks prior to a regular monthly Council meeting. The City Manager is responsible for preparing and distributing the agenda. The Mayor presides at every meeting of the Council and at the hour appointed, calls the Council to order, provided a quorum is present. The Mayor signs

all ordinances and resolutions on behalf of the Council.

The Mayor preserves order and, with the assistance of the City Attorney, speaks to and decides all points of order. The Mayor has control of the Council Chamber and the connecting halls and corridors. In case of a disturbance or disorderly conduct, the Mayor may order the same to be cleared.

The Vice Mayor presides in the Mayor's absence. Charter Sec. 12.

VI. ORDER OF BUSINESS

- 1. Roll Call**
- 2. Approval of the Minutes of the Last Meeting(s)**
- 3. Matters of Special Privilege**
- 4. Public Hearings**
- 5. Reports**
 - a. Monthly Financial Statement
 - b. Monthly Department Operating Reports
 - c. Planning Report
 - d. City Manager Reports
 - e. City Attorney Report
- 6. Unfinished Business**
- 7. New Business**
- 8. Open Forum**
- 9. Adjournment**

Code Sec. 2-28.

The City Manager or City Attorney, who are entitled by the Charter to non-voting seats on the Council, may include a report or recommendation under any item of business. Department directors participate in discussions as their respective issues are discussed. Charter Sec. 21.

CITY CHARTER

Section 21. “The manager shall have the right to take part in the discussion of all matters coming before the council, and the directors and other officers shall be entitled to take part in all discussions of the council relating to their respective departments and offices.”

VII. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

The City Code permits the public to speak during a Public Hearing or Special Privilege. No person other than a member of the Council or an officer of the City shall be allowed the privilege of speaking in a Council meeting unless by majority vote of the Council. Code Sec. 2-30.

The Council may permit persons to speak during an “open forum” session. At that time, such persons may address the Council on any topic. Whenever possible a “Speaker’s Card,” available at the entrance to the Council Chambers, should be completed and given to the Clerk of Council prior to the meeting.

Speakers will normally limit their remarks to three minutes, and speak only once until others who desire to speak have been heard. All speakers will only speak when recognized by the chair, and will address the chair. No dialogue between speakers shall be permitted.

To encourage public involvement, regular work sessions and Council meetings will be televised.

VIII. ORDINANCES & RESOLUTIONS

A copy of each ordinance or resolution, legibly written or printed, will be furnished to each Council member when introduced, unless there is unanimous consent to waive the requirement.

No ordinance can be passed or resolution adopted that appropriates money, levies taxes and licenses without the concurrence of at least three members. Charter Sec. 16.

Unless another date is specified or except as otherwise provided in the City Charter, an ordinance takes effect on the tenth day following its passage. Charter Sec. 4.1.

Because the Council is considered a continuous body by the Charter, no pending measure dies by reason of the expiration of a Council term or the removal of any or all of its members. Charter Sec.8.

IX. SPECIAL MEETINGS

Section 14 of the City Charter and Section 2-27 of the City Code outline the requirements for conducting special meetings of the Council.

The Clerk of the Council calls a meeting after a written request is received from the Mayor, the City Manager, or any two Council members. The Clerk then notifies Council in writing of the meeting. All notices of special meetings to Council members shall state the subjects for which the meeting is being called. (FOIA 2.2-3707).

Electronic Mail or facsimile transmissions may serve as written notice, with the written concurrence of the member. Phone calls may be used as needed to supplement other special meeting notices.

Unless the Council votes unanimously, no business except the items on the special meeting agenda can be transacted. Meetings must be open to the public, unless members vote to convene a Closed Session. Charter Sec. 14.

X. ORGANIZATIONAL MEETINGS

The biennial organizational meeting of the Council is traditionally at noon on July 1 of even-numbered years following City elections. The meeting coincides with the day on which the terms newly-elected Council members commence.

The first order of business is for members to elect the Mayor. The City Attorney normally presides at the beginning of the meeting until the Mayor is elected. Upon election, the Mayor assumes the chair. Then the Vice Mayor is elected. Charter Sec. 11, 12.

The Mayor determines the seating arrangement and order of voting of the Council, basing the decision on the length of tenure and preference of each Council member.

The next order of business is to appoint/reappoint the City Manager, City Attorney, and Clerk of the Council by roll call vote. Charter Sec. 15, 17.

The Council then adopts a resolution accepting the *Policies and Procedures of the City Council* as standing rules of the Council. The policies and procedures manual may be subsequently amended by the Council at any time.

XI. RULES OF CONDUCT DURING COUNCIL MEETINGS

Robert's Rules of Order is the classic statement of present day parliamentary procedure. Familiarity with and use of Robert's Rules provides the means whereby the affairs of the Council can be controlled by the general will of the members. Council meetings can proceed in a controlled and predictable manner, allowing the business of the citizens of Williamsburg to be handled in a direct, constructive and democratic manner. The following rules of conduct are adapted from the pages of Henry M. Robert's time-honored book and merit the Council's special attention.

Procedures For Small Boards

Since the City Council is relatively small compared with other organizations using Robert's Rules, some of the procedural formality can be dispensed with.

The following "Procedures for Small Boards" from Robert's Rules is modified for use by the Williamsburg City Council. Modifications to Robert's Rules for Small Boards are noted in italics.

- While members are required to obtain the floor before making motions or speaking, they may do so while seated. (*Text normally reads that members are not required to obtain the floor before hand.*)
- Motions must be seconded. (*Text normally reads, "Motions need not be seconded."*)
- No limit is placed on the number of times a member may speak to a question. However, motions to close or limit debate may be entertained. (*Text normally reads that such motions "should not be entertained."*)
- Informal discussion of a subject is per-

mitted while no motion is pending. *It is normally expected, however, that discussion will follow a motion on the floor.*

- Sometimes when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as other assemblies, except that a vote can be taken initially by a show of hands. *Normally, the ayes and noes on any question must be recorded.* Code Sec. 2-29.
- The chairman can speak in discussion without rising or leaving the chair, can make motions, and votes on all questions.

Member Conduct

Every member who wishes to speak must first respectfully address the Chair, and not proceed until recognized by the Chair. He will confine himself to the immediately pending question and avoid mentioning all personalities. No member shall address the Chair out of his place, nor interrupt another without the consent of the member who has the floor, except when making a point of order.

The member upon whose motion is subject to debate is first entitled to the floor, and is entitled to close debate after each member who wishes to speak has been allowed to do so.

Council Voting

In most instances, the affirmative vote of a majority of the members elected to Council present at a regular or special meeting at which a quorum is present and voting shall be necessary to adopt any ordinance, resolution, or pass other matters presented to the Council. Three members constitute a quorum. Charter Sec. 16.

However, no ordinance or resolution appropriating money exceeding \$500, imposing taxes or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all Council members. Every member present at a Council meeting when a question is put shall give his vote, unless excused by the Chair. All votes are recorded in the minutes of the meeting. *Secret ballots are prohibited.*

After a vote is announced, no member shall change his vote without the consent of the Council. The right to change a vote shall be limited to the current meeting and not continue for any subsequent meeting.

The Chair shall announce to the Council all requests of members to be excused from attendance on the Council for any stated period, and unless objection thereto is made by any member, the request shall be deemed granted, and such fact shall be noted in the minutes. If an objection be made, a vote of the Council shall be required on such a request.

No member should be absent from attendance on the Council for more than two consecutive meetings without explanation addressed to the Mayor and Council, who may withhold their approval. According to Section 14 of the Charter, if a member is voluntarily absent from three consecutive meetings, his seat is considered vacant.

Key Passages From Robert's Rules

Several key passages are included to help familiarize Council members with Robert's Rules. The City Attorney serves as the parliamentarian of the Council, and should be consulted on the proper application of Robert's Rules and applicable laws.

What Precedes Debate (RR § 2). Before any subject is open to debate it is necessary:

- (1) That a motion be made by a member who has obtained the floor, and
- (2) That the motion be stated by the chair for the benefit of the Council and audience.

The fact that a motion has been made does not put it before the Council. The chair alone can put a motion before the Council. The chair must either rule the motion out of order or state the question so that all may know what is the immediately pending question.

Obtaining the Floor (RR § 3). Before a member can make a motion, or address the Council chamber in debate, it is necessary that he should *obtain the floor* -- that is, he must address the presiding officer by official title, thus, "Mr. Or Madame Mayor." If the member is entitled to the floor, the chair recognized him by name.

Main Motions (RR § 4). A motion is made by a member's obtaining the floor and saying, "I move that," and then stating the proposed action. Typically, no member can make two motions at a time except by gen-

eral consent.

Main motions, which introduce business, take precedent over nothing. That is, they cannot be made when another question is before the assembly. Privileged, incidental, and subsidiary motions may be made while a main motion is pending.

Debate (RR § 7). After a question has been stated, it is before the Council for consideration and action. All but a few motions are subject to debate. Debate must be limited to the merits of the *immediately pending question* -- that is the last question stated by the Chair. Speakers must address their remarks to the Chair, be courteous in their language, avoid all personalities, and never allude to the motives of members.

Amendments (RR § 33). Amendments may be made on all motions except those listed by Robert's Rules.

The motion to amend is made in a form similar to this: "I move to amend the resolution by inserting (or striking or substituting) the word 'very' before the word 'good'; or simply "I move to insert (or strike or substitute) 'very' before 'good'".

An amendment can be amended itself, but this “amendment to an amendment” cannot be amended. In other words, an amendment of the third degree would be too complicated and is not in order.

An amendment of a pending question requires only a majority vote for its adoption, even though the question to be amended requires higher threshold (ex., two-thirds or unanimous vote).

Robert’s Rules lists a number of improper amendments in Section 33, including ones that are not germane to the question being amended, or are identical to questions previously decided.

Reconsideration of a motion (RR § 36). A motion to reconsider a previous vote must be made by one who voted with prevailing side. Normally, a reconsideration motion can only be made on the day that the original vote was taken, or on the day of the next succeeding Council meeting. The motion to reconsider cannot interrupt pending business. However, as soon as the pending item is disposed of, it can be called up with preference over other main motions and general orders.

Rescind, Repeal, or Annul (RR § 37).

Any vote taken by the Council, except those listed by Robert’s Rules, may be rescinded by a majority vote, provided notice has been given at the previous meeting or in the call for this meeting. When no notice is given, a two-thirds vote or majority vote of the elected Council is required.

The motion to rescind can be applied to votes on all main motions. It is itself a main motion without any privilege, and therefore can only be introduced only when there is nothing else before the assembly. It may be made by any member, and is debatable.

Among the votes that Robert’s Rules specifies that cannot be rescinded are ones that occur:

- After something has been done as a result of that vote that the Council cannot undo; or
- Where it is in the nature of a contract and the other party is informed of the fact; or,
- Where a resignation has been acted upon. (A table of frequently-used motions is attached for easy reference).

Rules of Conduct for TV Camera Crews in Council Chamber

To preserve Council Chamber decorum, and minimize Council and audience distractions, television cameras are to be confined to the area behind the bar. In special circumstances, the City Manager may permit a camera to be set up adjacent to the left front exit of the chamber. Interviews in the chamber are permissible before and after meetings. However, no interview or live narration will be allowed in the chamber during the proceedings of a meeting. The Assistant City Manager will be responsible for informing camera crews of the rules of conduct upon their entering the chamber.

Robert's Rules of Order -- Motions Frequently Used
(Modified For The Williamsburg City Council)

MOTION	PURPOSE	DEBATABLE	AMENDABLE	VOTE REQUIRED
MAIN	Introduces Business	Yes	Yes	Majority
AMEND	Changes or Modifies	Yes	Yes	Majority
REFER TO COMMITTEE	Enables Further Study	Yes	Yes	Majority
CALL THE QUESTION	Ends Debate	No	No	Majority*
TABLE	Suspends Action	No	No	Majority
TAKE FROM TABLE	Restarts Action	No	No	Majority
RECONSIDER	Renews Debate On Old Business	Yes	No	Majority
WITHDRAW A MOTION	Stops Motion Before A Vote	No	No	Consent of Chair w/o Objection
RESCIND	Repeals an Action	Yes	Yes	Majority

* *Robert's Rules* requires a 2/3s vote.

PART THREE

CITY COUNCIL POLICY MAKING PROCESS

I. BIENNIAL GOAL SETTING POLICY & PROCEDURES

The City recognizes the importance of setting specific goals. Goals provide both means of *sorting out priorities*, and a standard against which to measure effectiveness. More than any other determinant, *stated goals drive the budget*. Goal setting is an integral part of the budget process.

The *calendar* included in this section outlining City Council's two year election cycle fits well with a biennial goal setting cycle.

Two or three new or incumbent council members are elected in May in even numbered years. The newly elected Council members then have several months to become familiar with workings of city government before attempting to chart the City's course. This is done through methodical goal setting process in the Fall of even numbered years. The City Council's adopted goals then

become a *guide for the two succeeding budgets*.

In this way, a Council spends the first six months after the election deciding what it wants to accomplish, and the remaining eighteen months before the next election concentrating on implementing its goals.

During the midterm, or odd numbered years, the Council should revisit and reevaluate progress in accomplishing those goals. But the formal goal setting process takes place only every two years.

In order to be fully useful, *goals statements should have the following seven characteristics:*

- Goals should be as *specific* as possible.
- Goals achievement should be *measurable*.
- Goals should be *short range* -- one or two years. (Longer range goals should be expressed as intermediate goals or objectives that must be undertaken now to achieve the ultimate goal.)
- Goals should be developed by *exception* that is, the continuation of existing policies and practices of city government should not be listed as goals, however important they may be, only new or altered policies or practices.
- Goals are *not ranked in order of priority or urgency*. Relative priority between goals is

contained in the wording of each goal statement itself. For instance, less important, less urgent goals will allow more time to complete.

- The cost of achieving a goal should be counted in terms of *time, money, and commitment*, realizing each goal actively pursued takes away resources that could be applied to other activities.
- Goals should be limited to those which city government has the *power to achieve*. While it may be well to state goals which are primarily the responsibility of others, it should be recognized that while the City has considerable *influence*, it does not have substantial control over goals such as these.

II. CITY COUNCIL GOAL SETTING CALENDAR

(even numbered years only)

May	Council Election
July 1	New Council members take office
July-Aug.	City Manager provides status report on accomplishments of stated goals. Council holds retreat to evaluate goal accomplishment and discuss future priorities.
September	Council holds a public comment opportunity to hear citizens' ideas and suggestions on goals.
October	City Manager presents a draft goals statement based on the outcome of the retreat and public comment for Council consideration. Council has workshop sessions as necessary, and adopts a statement of goals.
November	City Staff begins work on the operating and capital budgets for the coming fiscal year reflecting priorities in the statement of goals.

III. CITY OF WILLIAMSBURG

CITY COUNCIL POLICY MAKING CALENDAR CYCLES

	<u>Goal Setting Cycle & Budget</u>	<u>Appointments to Boards</u>	<u>Community Outreach</u>	<u>Elections/ Legislative</u>
July	Begin fiscal year	Make Appointments		Council takes office (even years)
August	Annual Goals Retreat			
September			Newsletter Fall	
October	Adopt Biennial Goals (even years)	Start Cycle #1		VML Annual Meeting
November	Budget Guide issued	Conduct Interviews		Adopt Legislative Proposals
December	Review CAFR for preceding	Make appointments	Newsletter (Winter)	Meeting with Legislative Delegation
January				General Assembly convenes
February				
March	Receive Proposed Budget/CIP Budget Workshop		Newsletter (Spring)	General Assembly adjourns
April	Budget Workshops			
May	Adopt Budget	Start Cycle #2		Council Elections (even years)
June	End fiscal year	Conduct Interviews	Newsletter (Summer)	

PART FOUR

APPOINTMENT PROCESS FOR BOARDS AND COMMISSIONS

I. BACKGROUND

One of the City Council's most important responsibilities is that of appointing citizens to serve on various boards and commissions. Boards and commissions exercise a number of advisory, administrative, and quasi-judicial powers and functions essential or useful to the operation of city government. They also provide an opportunity for citizen involvement in local government.

Boards and Commissions are created and enabled in different ways. Some are creations of the General Assembly, some are creations of the City Council. Terms of office and qualifications for office vary as well. Most terms, however, begin and expire either at the beginning of the calendar year (January 1) or the beginning of the fiscal year (July 1).

In making appointments, which occurs in two semi-annual cycles as noted above, the City Council will be assisted by the Clerk of Council to administer the process.

II. OBJECTIVES

It is the City Council's objective to manage the appointment process so that:

- (1) Boards and Commissions are composed of capable, dependable and effective members.
- (2) Citizens are encouraged to apply for board appointments. Council desires that boards reflect the diversity of the community.
- (3) To encourage maximum participation, Council gives strong consideration to new appointees over reappointment of incumbents.
- (4) Appointments are made on time.
- (5) Immediate family (spouses and children) of Council members are not eligible for appointment to a Board or Commission.

(6) New members are oriented and prepared for their roles.

(7) Retiring members are recognized and thanked.

III. PROCEDURES

The Clerk of Council will administer the appointment process per the “Semi Annual Appointment Cycle” outlined below and the following procedures:

Applications. The City invites citizens to apply for board appointments on forms provided for that purpose. Applications may be submitted at any time and will be retained for two years for use when vacancies occur. Invitations to apply will be made periodically (at least once per year) in the city’s newsletter. Applicants may apply for more than one board, but must indicate a priority.

Appointment Coordinators

With the seating of each new Council, the Mayor will assign to each Council member approximately three boards or commissions

for which that Council member will coordinate the appointment process. The role of Council member will be to evaluate prospective appointees (based on current applications), conduct interviews and make other inquiries as necessary (including asking another Council member to assist if that would be helpful), and bring a recommendation for an appointment to the rest of the Council for their consideration.

City Council Action

City Council will receive the recommendations of the Appointment Coordinators, normally in Closed Session, prior to voting in Open Session. Council will also reserve some appointments for interview by the entire Council, such as the School Board and Planning Commission.

(Revised 11/12/04)

Notification and Orientation of Appointees.

The Clerk of Council will notify appointees in writing of their appointment by City Council, with copies to the board Chairman/board staff. The appointee will be sworn-in at the office of the Clerk of Council. (Charter Sec. 10 Chapter 1, July 2004). The board Chair or board staff is responsible for informing the new member about meetings and orienting the new member to their duties.

Recognition of Outgoing Members. The Clerk of Council will prepare a Letter of Recognition in appreciation for the outgoing member's service, to be signed by Council members.

Appendix. The current list of Boards and Commissions is in the appendix to this manual.

Section IV. Attendance Requirement— Members of Boards and Commissions

Anyone appointed by City Council to a Board or Commission as listed below who fails to attend at least 75% of regularly scheduled meetings in a calendar year will be deemed to have rendered an implied resignation of that appointment. The Chair person of the board/commission shall notify the Clerk of Council by December 1 of each year of any absences exceeding the standard of this policy during the prior eleven months. The Clerk shall report these findings to City Council at their December meeting, typically in closed session. Appointment by Council of another person to fill said office shall constitute an acceptance of such resignation. On advice of City Council, however, the Mayor may override the implied resignation and extend the appointment if extenuating circumstances so dictate.

This policy shall apply to all boards/commissions listed below, provided however, that if State law or City Ordinance addresses attendance requirements in an alternative manner, such law shall prevail over this policy.

The following is a list of boards/commissions/authorities/committees to which City Council appoints members which shall be subject to this policy:

School Board
Library Board
Planning Commission
Architectural Review Board
Board of Zoning Appeals
Board of Building Code Appeals
Economic Development Authority
Williamsburg Redevelopment & Housing Authority Board
Arts Commission
Board of Equalization
Peninsula Disability Services Board
Peninsula Agency on Aging
Finance and Audit Committee
Thomas Nelson Community College Board
Colonial Services Board
Social Services Advisory Board
Regional Issues Committee
Colonial Community Corrections Criminal Justice Board
Community Action Agency Board
Olde Towne Medical Center Board
Local Emergency Preparedness Committee

Semi-Annual Appointment Cycle

<u>Month</u>	<u>Action</u>
April/October	<p>Clerk of Council advises Council by memo of upcoming appointments, including:</p> <ul style="list-style-type: none">-Name of incumbents-Expiration dates-Incumbent's eligibility for reappointment-Qualifications required for appointments <p>Clerk separately advertises in the press the following appointments:</p> <ul style="list-style-type: none">School BoardLibrary BoardPlanning CommissionRedevelopment and Housing Authority <p>Clerk provides the Council Coordinator for a particular board with copies of all current applications on hand. The Coordinator will be responsible for evaluating applicants and reporting the findings to the whole Council.</p> <p>All members of City Council interview candidates for:</p> <ul style="list-style-type: none">School BoardLibrary BoardPlanning CommissionRedevelopment and Housing Authority <p>Clerk schedules interviews at the direction of Council. Clerk provides Council members with an interview schedule. Clerk notifies the press of date and time that interviews are being conducted.</p> <p>Council holds interviews with candidates for appointment.</p> <p>Council members discuss applicants to build consensus for appointment.</p>
May/November	<p>"Appointments to Boards and Commissions" appears as an agenda item for City Council meeting.</p> <p>Council discusses prospective appointments in the Closed Session. Appointment may be made in Open Session after Closed Session.</p>
June/December	<p>Council makes any remaining appointments in Open Session if not made in prior month.</p>

APPENDIX ONE

COMPENDIUM OF CITY

COUNCIL STANDING POLICY

The City Council adopts standing policy for the city primarily in three forms:

Ordinances
Resolutions
Voted Council Actions

Therefore, City Council standing policy in ordinance form is readily accessible. Resolutions and Council Actions, however, while recorded in Council Minutes, need to be separately catalogued. This is the purpose of this Compendium.

City Council policy is in addition to that adopted by the General Assembly in the Code of Virginia and the Charter of the City of Williamsburg.

The Compendium has three sections.

City Council policy is also supplemented by administrative orders issued by the City Manager and other duly authorized officers of the city, such as changes to the Personnel Manual, or the Administrative Orders of the Police Department.

SECTION ONE: Resolutions Setting Forth Standing Policy

SECTION TWO: Voted City Council Actions Setting Forth Standing Policy

City policy in the form of ordinances are organized by subject, indexed, continually updated and published through codification.

SECTION THREE: Policy Manuals Adopted by City Council

SECTION ONE

RESOLUTIONS

SETTING FORTH STANDING POLICY

Title: Compensation for Street Vacations

Adopted: October 14, 1982

Amended: August 27, 1994

Extract: Per authority given to city's in Section 15.2-2008 of the Code of Virginia, the city resolved that in the future all vacations of streets, alleys, easements or other public ways within the city shall be conditioned upon payment to the city of such purchase price as shall be determined reasonable by City Council if permissible per the above cited code section.

Generally, the purchase price in instances where the City does not hold fee simple title, the purchase price shall be 25 percent of the value of the land lying adjacent thereto as reflected by the most recent city real property tax assessment.

Title: Construction of Rt. 199

Adopted: August 10, 1989

Extract: A resolution regarding Route 199 and environmental impact. "The City therefore advocates the construction of Route 199 in its entirety (including the Monticello Avenue extension) as the proper way to relieve traffic congestion in the Williamsburg area."

Title: Participation in Hampton Roads Planning District Commission

Adopted: May 10, 1990

Extract: A resolution approving the merger of the Southeastern Virginia Planning District Commission and the Peninsula Planning District Commission into the HRPDC under the provisions of the Virginia Area Development Act and the City of Williamsburg's participation therein.

Title: Parliamentary Procedures for City Council Meetings

Adopted: July 1, 1990

Extract: A resolution adopting Roberts Rules of Order as modified, to be used in conducting City Council meeting. Election of officers and appointment of City Attorney, Clerk, and City Manager at an organizational meeting each July 1 following City Council elections.

Title: National Education Goals

Adopted: August 13, 1992

Text: A resolution adopting National Education Goals in support of community effort to develop strategies to accomplish these goals and to communicate results.

Title: Mayor, City Manager, and Director of Public Works to Accept Conveyances of Property

Adopted: February 8, 2001

Extract: Resolution #01-04 Adopted Authorizing the Mayor or City Manager and Director of Public Works to Accept Conveyances of Property Pursuant to Sec. 15.2-1803 of the Code of Virginia.

SECTION TWO

VOTED CITY COUNCIL ACTIONS

SETTING FORTH STANDING POLICY

Title: Sister City Policy

Date: July 14, 1988

Extract: Members seemed to agree with the present policy of the city to be a sister city to all cities in the world without a formal affiliation. City Manager noted that Williamsburg gets many requests to be a sister city and that the policy has been to be open to all.

Title: Smoking Policy

Adopted: June 8, 1989, Revised 1998

Text: "...the City Manager be authorized to designate smoking and non-smoking areas in various city buildings under his control."

Title: Reference to Sign Policy

Date: September 14, 1989, Amended November 2000

Extract: Council discussed the matter of extending permission to leave an advertising sign on the city right-of-way in front of a business, and determined it is the city's policy not to allow such signs.

Revision: Property owner may locate a sign on city right-of-way with City Council approval.

Title: Reference to Curb & Gutter Policy

Date: October 12, 1989

Extract: City Manager noted that the policy of the city has been for property owners to pay one-half of the curb and gutter cost in front of their houses.

Title: Williamsburg Redevelopment and Housing Authority Board Stipend

Adopted: November 9, 1989

Extract: Approved the request of the WRHA that each Housing Authority Commissioner receive \$40.00 per month compensation for services in that capacity, to be paid from Authority's monies, with no contribution from the city.

Title: Grievance Procedure Approved & Use by WRHA

Adopted: July 11, 1991

Text: Approval of revised grievance procedures as presented by the City Attorney...and that the Williamsburg Housing and Redevelopment Authority be authorized to use the city's grievance procedure.

Title: Revised Review Schedule for Zoning Amendments and Special Use Permits

Adopted: August 13, 1992

Extract: Thenceforth, the city staff will schedule the date for the City Council Public Hearing following Planning Commission's decision. It would shorten the process by one month without any detrimental effects to the city's review procedures.

Title: Biennial Goal Setting Policy and Procedures
Adopted: September 10, 1992
Extract: Adopted the "City of Williamsburg Biennial Goal Setting Policies and Procedures," and proceed with implementation of the goals program this fall.

Title: Establishment of Deferred Compensation Plan
Adopted: September 12, 1992
Text: City Council...hereby adopts the deferred compensation plan as attached to the City manager's report to the Council dated September 6, 1991, identified as Appendix A, and appoints the ICMA Retirement Corporation to serve as Administrator thereunder.

Title: Procedure for Appointments to Boards and Commissions
Adopted: November 12, 1992
Extract: Members accepted the suggested procedures for appointments to city Boards and Commission as recommended by the Mayor.

Title: Sidewalk Setback from Curb
Adopted: May 13, 1993 (In FY 94 Capitol Improvement Plan)
Text: It is the city's policy to separate sidewalks from the street with a green strip where feasible taking into consideration right-of-way constraints and existing conditions.

Title: Policy Regarding the Uses of the City's Rich Neck Property
Adopted: August 14, 1997
Text: Adopted Resolution #10-97

Title: Private Streets and Driveways are to be Constructed to City Street Standards

Adopted: April 9, 1998

Text: Adopted Ordinance #11-98

Title: Utility Assessment Districts

Adopted: August 13, 1998

Text: The City Council's goal is for all wires to be underground.

Title: Budget Requests from Outside Agencies

Adopted: May 11, 2000

Text: One Funding Request from Outside Agencies will be Considered, Either by Council or a Sub-Agency of Council (other than for an extraordinary request)

Title: Policy Regarding Accepting Private, Non-conforming Streets into the City Street System

Adopted: December 9, 1999

Text: City Council adopted Resolution #16-99 (setting policy)

Title: Tax or Assessment Districts

Adopted: November 13, 2003, effective July 1, 2004

Text: City Council Adopted Ordinance #03-36 "Allowing City Council to establish one or more tax or assessment districts for the undergrounding of existing overhead utility lines for the distribution of one or more of electricity, telephone or cable television within such district(s)."

Title: City Investment Policy

Adopted: June 11, 1998
Revised December 11, 2003

Text: Approved the Investment Policy revision recommended by Wachovia
Evergreen Investments and the City's Investment Committee.

Title: City Budget Policy Guidelines

Adopted: April 8, 2004

Text: Adopted the "Budget Policies" and Directed That They Be Published Each
Year with the Proposed and Adopted City of Williamsburg Annual Budget.

Title: Policy for Special Assessment Districts (Resolution #05-10)

Adopted: May 12, 2005

Text: Adopted Proposed Resolution #05-10, City of Williamsburg Policy for
Establishment of Special Assessment Districts.

Title: Absentee Policy for City Boards and Commissions

Adopted: July 14, 2005

Text: Adopted the Policy Concerning Attendance on Boards and Commissions
Effective Beginning Calendar Year 2006; and Direct the Clerk of Council to
Add Section IV. Attendance Requirement—Members of Boards and
Commissions to Council's Policies and Procedures Manual

Title: Graffiti Abatement Policy (Ordinance #06-13)

Adopted: April 13, 2006

Text: Adopted Ordinance #06-13 Prohibiting the Defacement of Public or Private
Property and Providing for the Removal and Repair of Defacement of Public
and Private Property, and Graffiti Abatement Policy.

SECTION THREE

CITY POLICY MANUALS ADOPTED BY CITY COUNCIL

Title: Purchase Procedures Manual

Adopted: July 13, 1989, Revised April 1998

Text: Adopted resolution amending the City of Williamsburg Purchase Procedures Manual as reviewed by the City Attorney.

Title: Classification and Compensation Plan/Personnel Manual

Adopted: September 12, 1992, Rev. September 1998

Text: City Council approved the Classification and Compensation Plan by Hendricks and Associates with implementation as outlined above by the City Manager, along with the revised Personnel Manual (effective January 1, 1992). note: Municipal Building hours of operation to be from 8:00 a.m. to 4:30 p.m. Accruals for annual leave, discretionary leave, and holidays would be effective in the current fiscal year.

Title: School Leave Policy

Adopted: October 8, 1992

Text: Section 410, School Leave be added to the Personnel Manual, effective October 1, 1992.

Title: Emergency Operations Manual

Adopted: August 12, 1993, Revised September 1996, Revised September 2003 by Council Action

Extract: Resolution #11-93 Adopting the City of Williamsburg Emergency Operation Plan dated August 12, 1993, as recommended by the City Manager,
